

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

**ENTRY NO. 00139827**

06/18/2008 03:00:36 PM B: 0351 P: 0562

Easements and Right of Ways PAGE 1 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Kane County as it pertains to the highway located in Kane County known as Swallow Park / Park Wash Road; County Road Number: K4360; State Geographic Information Database (SGID) Road Identification Number: RD130624. Total road length is 0.83 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 12<sup>th</sup> day of June, 2008.

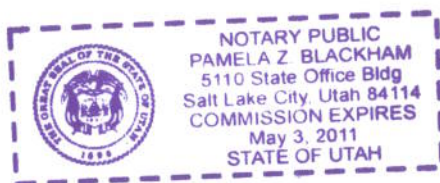
By the Governor's Designee

  
\_\_\_\_\_  
John Harja

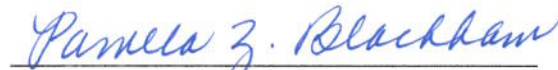
### CERTIFICATION


State of Utah )  
                              : ss  
County of Salt Lake )

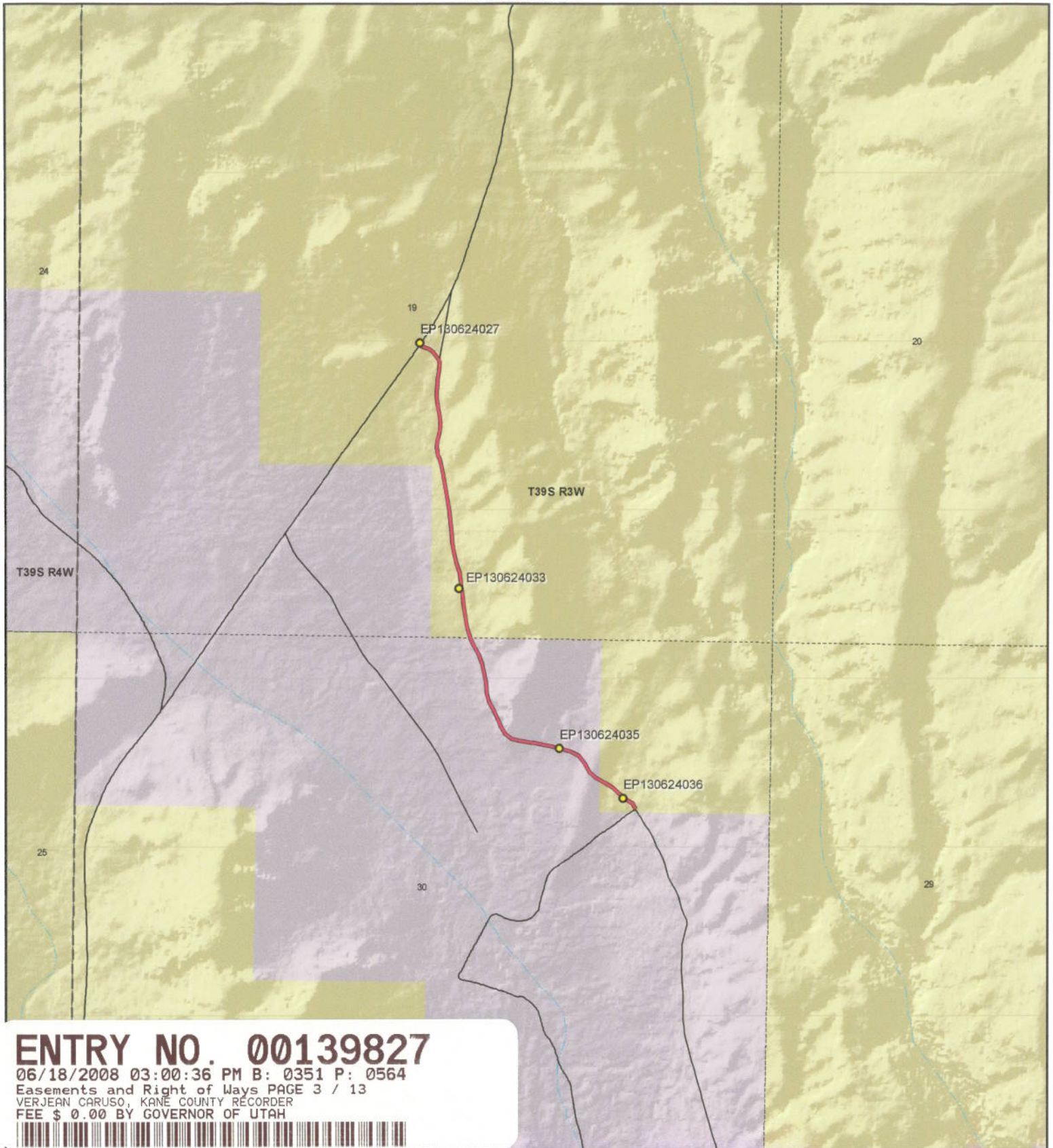
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.



Dated this 12<sup>th</sup> day of June, 2008.

  
\_\_\_\_\_  
Notary Public

**ENTRY NO. 00139827**  
06/18/2008 03:00:36 PM B: 0351 P: 0563  
Easements and Right of Ways PAGE 2 / 13  
VERJEAN CARUSO, KANE COUNTY RECORDER  
FEE \$ 0.00 BY GOVERNOR OF UTAH  




**ENTRY NO. 00139827**

06/18/2008 03:00:36 PM B: 0351 P: 0564

Easements and Right of Ways PAGE 3 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



1:12,029

1 inch equals 0.2 miles



**Swallow Park / Park Wash Road - Kane County**  
**SGID RD\_ID RD130624**

**Land Ownership Categories**

- |                            |                              |
|----------------------------|------------------------------|
| BLM                        | Wilderness                   |
| Private                    | UDWR Wildlife Reserve        |
| SITLA, State Trust Land    | DOD, Military                |
| USFS, National Forest      | State Sovereign Land         |
| State Parks and Recreation | National Recreation Area     |
| Tribal, Indian Reservation | USFWS, Natl. Wildlife Refuge |
| NPS, National Park         |                              |

**Transportation Network**

- |   |
|---|
| Swallow Park / Park Wash Road                           |
| Title V: Issued Or Under Consideration By BLM Or County |
| Other Roads   |
| Photo Event Point                                       |
| Section = 1 Mile  |

Map prepared by the State of Utah  
 Automated Geographic Reference Center  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Jun 11, 2008





EP130624027



EP130624033



EP130624035



EP130624036

**ENTRY NO. 00139827**

06/18/2008 03:00:36 PM B: 0351 P: 0565

Easements and Right of Ways PAGE 4 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



EP000000000

EP000000000

**Swallow Park / Park Wash Road - Kane County**

**SGID RD\_ID RD130624**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
June 10, 2008



## Attachment 3

### Beginning & Ending Points and Township, Range, and Section References For:

**Popular Name:** Swallow Park / Park Wash Road

**County:** Kane

**County Road Number:** K4360

**State Geographic Information Database (SGID) Road Identification Number:** RD130624.

**Total Road Length:** 0.83 miles more or less.

**Beginning at a point** on the road centerline located at 37 degrees 23 minutes 42.63 seconds North Latitude and -112 degrees 10 minutes 10.48 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,445,901.8 feet and Y = 10,108,458.4 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 24 minutes 17.61 seconds North Latitude and -112 degrees 10 minutes 31.66 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,444,217.6 feet and Y = 10,112,008.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 39 South Range 3 West, Section(s) 19,30, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

**ENTRY NO. 00139827**

06/18/2008 03:00:36 PM B: 0351 P: 0566

Easements and Right of Ways PAGE 5 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

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**Attachment 4**  
**Road Centerline Description Cover Page(s)**

**Popular Name: Swallow Park / Park Wash Road**

**County: Kane**

**County Road Number: K4360**

**State Geographic Information Database (SGID) Road Identification Number: RD130624.**


**Total Road Length: 0.83 miles more or less.**

**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

| <b>Road-Segments<br/>Listed by SGID<br/>Road Identification<br/>Number (RD_ID)</b> | <b>Road-Segment<br/>Numbers</b> | <b>Believed Ownership<br/>Of Servient Estate</b> | <b>Approximate<br/>Segment<br/>Length</b> | <b>See Attached<br/>Appendix</b> |
|--|---------------------------------|--|---|----------------------------------|
| <b>RD130624</b>  | <b>001</b>                      | <b>BLM</b>                                       | <b>0.07 Miles</b>                         | <b>A</b>                         |
| <b>RD130624</b>  | <b>002</b>                      | <b>PVT</b>                                       | <b>0.31 Miles</b>                         | <b>(not shown)</b>               |
| <b>RD130624</b>  | <b>003</b>                      | <b>BLM</b>                                       | <b>0.45 Miles</b>                         | <b>B</b>                         |
|  |                                 | <b>Total Road Length</b>                         | <b>0.83</b>                               | <b>_____</b>                     |


\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

**ENTRY NO. 00139827**  
06/18/2008 03:00:36 PM B: 0351 P: 0567  
Easements and Right of Ways PAGE 6 / 13  
VERJEAN CARUSO, KANE COUNTY RECORDER  
FEE \$ 0.00 BY GOVERNOR OF UTAH  


## Attachment 5

**ENTRY NO. 00139827**  
06/18/2008 03:00:36 PM B: 0351 P: 0568  
Easements and Right of Ways PAGE 7 / 13  
VERJEAN CARUSO, KANE COUNTY RECORDER  
FEE \$ 0.00 BY GOVERNOR OF UTAH



**AFFIDAVIT OF LLOYD G. ROBINSON**  
**SWALLOW PARK/PARK WASH ROAD**  
**KANE COUNTY ROAD NUMBER K4360**

**KANE COUNTY, UTAH**

State of Utah                     )  
  : ss.  
County of Kane                 )

LLOYD G. ROBINSON being first duly sworn, deposes and states as follows:

1.       I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Kane County for 73 years. I was born on March 16, 1934.

2.       I have traveled and am familiar with a road in Kane County known as the Swallow Park/Park Wash Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1962 it followed the same route as in 2000 when I last observed it. Attached is a Kane County map showing Swallow Park/Park Wash Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.

3.       I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1962 and continuing through 1976 to 2000. Throughout this time period I have observed travel on the road by various means, including ATVs, trucks and jeeps. Throughout this time period, the road has been used daily, weather permitting for more than ten continuous years prior to 1976.

**ENTRY NO. 00139827**

06/18/2008 03:00:36 PM B: 0351 P: 0569

Easements and Right of Ways PAGE 8 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

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4. Throughout the time period from 1962 to 2000, I have used the road myself for hunting, camping, recreation and traveling in and through the area.

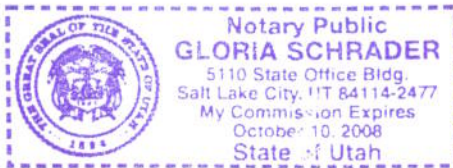
5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus livestock operations and government access.

6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the mid 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

Dated this 16 day of May, 2007.

  
\_\_\_\_\_  
LLOYD G. ROBINSON

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of May, 2007.



  
\_\_\_\_\_  
NOTARY PUBLIC

**ENTRY NO. 00139827**

06/18/2008 03:00:36 PM B: 0351 P: 0570

Easements and Right of Ways PAGE 9 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

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### Swallow Park / Park Wash County Unique - K4360

#### Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park/Monument (NPS)
- National Rec. Area
- Wilderness
- State Park

#### Transportation Network

- Swallow Park / Park Wash
- State / U.S. Highway
- Local Roads

#### Misc

- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary



1:79,401

1 inch equals 1.3 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 May 08, 2007



**AFFIDAVIT OF BRENT OWENS**  
**SWALLOW PARK/PARK WASH ROAD**  
**KANE COUNTY ROAD NUMBER K4360**

**KANE COUNTY, UTAH**

State of Utah                     )  
  : ss.  
County of Kane                 )


BRENT OWENS, being first duly sworn, deposes and states as follows:

1.       I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Kane County for 36 years. I was born April 2, 1946.

2.       I have traveled and am familiar with a road in Kane County known as the Swallow Park/Park Wash Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1964, it followed the same route as in 2006 when I last observed it. Attached is a Kane County map showing Swallow Park/Park Wash Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.

3.       I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1964 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including trucks, jeeps and ATV's. Throughout this time period, the road has

**ENTRY NO. 00139827**  
06/18/2008 03:00:36 PM B: 0351 P: 0572  
Easements and Right of Ways PAGE 11 / 13  
VERJEAN CARUSO, KANE COUNTY RECORDER  
FEE \$ 0.00 BY GOVERNOR OF UTAH



been used weekly, for more than ten continuous years prior to 1976, and continuing through 2006.

4. Throughout the time period from 1964 to 2006, I have used the road myself for hunting, BLM access, camping and traveling in and through the area.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus tourism, logging, livestock operations, wood gathering, recreation and government access.

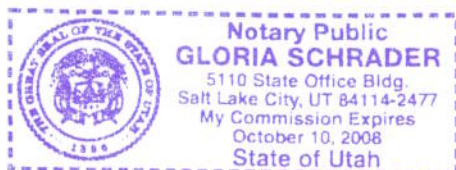
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, I observed the graded surface of the road.

Dated this 16 day of May, 2007.

  
BRENT OWENS

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of May, 2007.



  
NOTARY PUBLIC

**ENTRY NO. 00139827**

06/18/2008 03:00:36 PM B: 0351 P: 0573

Easements and Right of Ways PAGE 12 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

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**ENTRY NO. 00139827**

06/18/2008 03:00:36 PM B: 0351 P: 0574

Easements and Right of Ways PAGE 13 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

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### Swallow Park / Park Wash County Unique - K4360

#### Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park/Monument (NPS)
- National Rec. Area
- Wilderness
- State Park

#### Transportation Network

- Swallow Park / Park Wash
- State / U.S. Highway
- Local Roads

#### Misc

- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary



1:79,401

1 inch equals 1.3 miles



Map prepared by the State of Utah  
AGRC  
Room 5136 State Office Building  
Salt Lake City, Utah 84114  
May 08, 2007



## Appendix A to Attachment 4

**Popular Name: Swallow Park / Park Wash Road**

**County: Kane**

**County Road Number: K4360**

**State Geographic Information Database (SGID) Road Identification Number: RD130624.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.07 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 39 South Range 3 West, Section(s) 30, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Swallow Park / Park Wash Road)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 37 degrees 23 minutes 42.63 seconds North Latitude and -112 degrees 10 minutes 10.48 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,445,901.8 feet and Y = 10,108,458.4 feet; thence the following courses along the said road center line:

thence North 26 Degrees 04 Minutes 26 Seconds West 12.8 feet  
thence North 23 Degrees 19 Minutes 32 Seconds West 7.1 feet  
thence North 24 Degrees 25 Minutes 56 Seconds West 4.5 feet  
thence North 24 Degrees 50 Minutes 07 Seconds West 15.3 feet  
thence North 29 Degrees 32 Minutes 56 Seconds West 7.5 feet  
thence North 54 Degrees 59 Minutes 36 Seconds West 14.2 feet  
thence North 58 Degrees 27 Minutes 17 Seconds West 24.9 feet  
thence North 59 Degrees 05 Minutes 23 Seconds West 30.1 feet  
thence North 51 Degrees 59 Minutes 11 Seconds West 33.1 feet  
thence North 50 Degrees 37 Minutes 42 Seconds West 36 feet  
thence North 46 Degrees 29 Minutes 17 Seconds West 60.4 feet

thence North 59 Degrees 13 Minutes 43 Seconds West 77.9 feet  
thence North 62 Degrees 15 Minutes 55 Seconds West 44.1 feet more or less to **the ending**  
**point at:** 37 degrees 23 minutes 44.83 seconds North Latitude and -112 degrees 10 minutes 14 seconds West  
Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet  
coordinates of X = 1,445,619.1 feet and Y = 10,108,682.7 feet.

## Appendix B to Attachment 4

**Popular Name: Swallow Park / Park Wash Road**

**County: Kane**

**County Road Number: K4360**

**State Geographic Information Database (SGID) Road Identification Number: RD130624.**

**Road-Segment Number: 003**

**Road-Segment Length: 0.45 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 39 South Range 3 West, Section(s) 19, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Swallow Park / Park Wash Road)-- Segment 003 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 37 degrees 23 minutes 55.46 seconds North Latitude and -112 degrees 10 minutes 26.42 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,444,624.6 feet and Y = 10,109,765.1 feet; thence the following courses along the said road center line:

thence North 25 Degrees 36 Minutes 29 Seconds West 4.7 feet  
thence North 17 Degrees 19 Minutes 04 Seconds West 76.4 feet  
thence North 10 Degrees 26 Minutes 05 Seconds West 80 feet  
thence North 08 Degrees 45 Minutes 26 Seconds West 82.1 feet  
thence North 08 Degrees 16 Minutes 11 Seconds West 84.5 feet  
thence North 07 Degrees 16 Minutes 14 Seconds West 86 feet  
thence North 08 Degrees 16 Minutes 59 Seconds West 88.6 feet  
thence North 16 Degrees 29 Minutes 39 Seconds West 82 feet  
thence North 16 Degrees 23 Minutes 06 Seconds West 77.7 feet  
thence North 07 Degrees 08 Minutes 34 Seconds West 77.7 feet  
thence North 05 Degrees 14 Minutes 44 Seconds West 80.7 feet

thence North 06 Degrees 42 Minutes 32 Seconds West 81.7 feet  
 thence North 07 Degrees 47 Minutes 39 Seconds West 80.3 feet  
 thence North 09 Degrees 34 Minutes 28 Seconds West 79 feet  
 thence North 10 Degrees 16 Minutes 21 Seconds West 80 feet  
 thence North 09 Degrees 40 Minutes 42 Seconds West 77.3 feet  
 thence North 09 Degrees 23 Minutes 25 Seconds West 73.9 feet  
 thence North 12 Degrees 08 Minutes 20 Seconds West 66.2 feet  
 thence North 16 Degrees 23 Minutes 37 Seconds West 40.1 feet  
 thence North 26 Degrees 56 Minutes 54 Seconds West 10.1 feet  
 thence North 17 Degrees 54 Minutes 28 Seconds West 17.2 feet  
 thence North 13 Degrees 32 Minutes 45 Seconds West 20.2 feet  
 thence North 09 Degrees 31 Minutes 18 Seconds West 14.1 feet  
 thence North 06 Degrees 17 Minutes 39 Seconds West 6.6 feet  
 thence North 09 Degrees 23 Minutes 25 Seconds West 12.5 feet  
 thence North 00 Degrees 54 Minutes 33 Seconds East 29.5 feet  
 thence North 08 Degrees 47 Minutes 24 Seconds East 32.4 feet  
 thence North 10 Degrees 38 Minutes 31 Seconds East 35.1 feet  
 thence North 10 Degrees 45 Minutes 11 Seconds East 35.9 feet  
 thence North 06 Degrees 11 Minutes 54 Seconds East 38 feet  
 thence North 00 Degrees 00 Minutes 50 Seconds West 39.4 feet  
 thence North 05 Degrees 21 Minutes 33 Seconds West 42.8 feet  
 thence North 08 Degrees 35 Minutes 26 Seconds West 46.4 feet  
 thence North 10 Degrees 08 Minutes 46 Seconds West 49.1 feet  
 thence North 09 Degrees 04 Minutes 53 Seconds West 49 feet  
 thence North 00 Degrees 46 Minutes 27 Seconds West 47.6 feet  
 thence North 05 Degrees 13 Minutes 38 Seconds East 51.1 feet  
 thence North 07 Degrees 40 Minutes 09 Seconds East 54.7 feet  
 thence North 07 Degrees 15 Minutes 37 Seconds East 54.6 feet  
 thence North 04 Degrees 50 Minutes 01 Seconds East 53.5 feet  
 thence North 03 Degrees 07 Minutes 28 Seconds West 24.6 feet  
 thence North 33 Degrees 39 Minutes 08 Seconds West 10.8 feet  
 thence North 36 Degrees 43 Minutes 47 Seconds West 31.6 feet  
 thence North 41 Degrees 57 Minutes 01 Seconds West 37.3 feet  
 thence North 51 Degrees 03 Minutes 29 Seconds West 36.3 feet  
 thence North 67 Degrees 18 Minutes 47 Seconds West 31.5 feet  
 thence North 71 Degrees 43 Minutes 36 Seconds West 51.5 feet more or less to **the ending**

**point at:** 37 degrees 24 minutes 17.61 seconds North Latitude and -112 degrees 10 minutes 31.66 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,444,217.6 feet and Y = 10,112,008.7 feet.